


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED
2016 MAR -7 PM 3:28
DEPUTY CLERK 

UNITED STATES OF AMERICA

v.

NO. 3:15-CR-227-L

BENJAMIN EARNEST NICHOLS (1)

WAIVER OF INDICTMENT

Benjamin Earnest Nichols (Nichols), the defendant's attorney Kevin B. Ross, and the United States of America (the government) agree as follows:

1. Nichols, defendant, stands accused of knowingly causing the transmission of a program or code to a protected computer and causing damage, in violation of 18 U.S.C. § 1030(a)(5)(A) (18 U.S.C. § 1030(c)(4)(A)(i)(I) and (B)). After being advised of the nature of the charges and of his rights, Nichols hereby waives in open court prosecution by indictment and consents to proceeding by information instead of by indictment.
2. In making this waiver, Nichols represents that he understands his right to have the case presented to a Federal Grand Jury. He understands that a Federal Grand Jury consists of not more than 23, nor less than 16 citizens of the Northern District of Texas. He understands that at least 12 grand jurors must vote in favor of an indictment before such indictment is returned or true-billed.
3. Nichols also represents that he has fully discussed with his attorney the right to have this case presented to a Federal Grand Jury and the consequences of waiving this

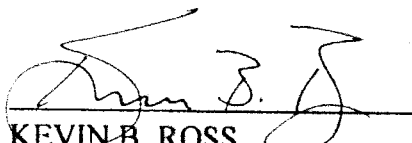
right. After discussing the same with his attorney, Nichols voluntarily, knowingly, and intelligently waives the right to have this case presented to a Federal Grand Jury.

I have read (or had read to me) this waiver and have carefully reviewed every part of it with my attorney. I fully understand it and voluntarily agree to it.


BENJAMIN EARNEST NICHOLS
Defendant

3-3-2016
Date

I am the defendant's counsel. I have carefully reviewed every part of this waiver with the defendant. To my knowledge and belief, my client's decision to enter into this waiver is an informed and voluntary one.


KEVIN B. ROSS
Attorney for Defendant

3-7-2016
Date